

## **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

EARL R. HOBBS, individually and on behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	No. 07 C 6730
	)	
vs.	)	Judge Bucklo
	)	
TCF BANK,	)	Magistrate Judge Brown
	)	
Defendant.	)	

**DECLARATION OF TRACI MIKESELL**

I, Traci Mikesell, declare:

1. I know all of the following facts of my own personal knowledge and, if called and sworn as a witness, could and would testify competently thereto.

2. I am a Vice President, Lakeshore Division Branch Operations, of TCF National Bank ("TCF"), the proper Defendant in this action. As a result of my work duties and responsibilities for TCF, I am familiar with TCF's records and practices relating to the usage and operation of TCF's automated teller machines ("ATMs").

3. Information regarding transactions initiated at TCF ATMs is maintained by TCF in the ordinary course of business. The entries in those records are required to be accurate, and to be made near in time to the events they describe. I and others at TCF regularly access and rely on these records to review and make decisions about ATM transaction reporting, and to provide account information to customers.

4. In connection with this action brought against TCF by Plaintiff Earl R. Hobbs ("Plaintiff"), I accessed the business records of TCF relating to the ATM at issue in this action. I obtained the information and documents below from those business records.

5. Attached hereto at Exhibit A is a true and correct, redacted copy of the daily transaction report from August 22, 2007 for ATM transactions initiated at the ATM located at 2940 North Ashland Avenue, Chicago, Illinois. According to the report, on that date, TCF's customer Earl Hobbs ("Hobbs") (Account No. \*\*\*\*\*1221) accessed the ATM using his TCF-issued ATM card at 7:03 a.m. The amount of cash that Hobbs withdrew during this transaction from his TCF account was \$20.00. Information regarding this transaction is underlined on Exhibit A.

6. Approximately two minutes after this transaction, at 7:05 a.m., a non-TCF-issued ATM or debit card was inserted into the ATM, and a cash withdrawal of \$20.00 was made, for which a transaction fee of \$2.00 was assessed. The transaction sequence number for this ATM withdrawal was 48072, the same number provided by Plaintiff Earl Hobbs to identify the ATM at issue. *See* Cmpl. ¶ 13 (Plaintiff refers to this unique number to identify the ATM, but in fact the number relates to his specific transaction sequence number). Information regarding this second transaction is immediately below the underlined information on Exhibit A.

7. TCF does not accept deposits at its ATMs for non-TCF accounts.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 6th day of February 2008.

  
Traci Mikesell

## **EXHIBIT A**

P0412555-000  
 DATE 08/23/07  
 TCF IL CENTRAL  
 ATM DAILY MERCHANT JOURNAL FOR  
 ASSN 095  
 8-22-07  
 PAGE 141  
 TRANSACTION SUR-  
 AMOUNT CHRG  
 PAN NUMBER  
 ACCOUNT  
 TO  
 ACCOUNT  
 TRAN  
 DESC  
 TIME  
 ORIG SEQ AUTH SEQ TERM SEQ BILL COUNTERS  
 NUMBER NUMBER \$20 \$20 \$20 \$20 \$00  
 BILL DISC  
 TERMINAL 01-5095-221-001 JEWEL ASHLAND-WELLINGTON CHICAGO IL

20.00	.00	4479720035693065	1221	CK W/D E	7.03	47491	47491	47491	29	00	00	00
20.00	2.00	5424322407869002	9002	CK W/D M	7.05	48072	48072	48072	30	00	00	00